



County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: July 29, 2014

TO: Deborah Pemberton, Planner III
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Jo Ellen Groves, Paralegal *JEG/ARK*
Office of the County Attorney

SUBJECT: Affidavit
Application No.: SE 2014-SU-044
Applicant: Gita D. Kumar
PC Hearing Date: not yet scheduled
BOS Hearing Date: not yet scheduled

REF.: 126302

Attached is an affidavit which has been approved by the Office of the County Attorney for the referenced case. Please include this affidavit dated 7/23/14, which bears my initials and is numbered 126302, when you prepare the staff report. **Please note that a staff coordinator has not been assigned yet.**

Thank you for your cooperation.

Attachment

cc: (w/attach) Jonathan Buono, Planning Technician I (Sent via e-mail)
Zoning Evaluation Division
Department of Planning and Zoning



126302
COUNTY OF FAIRFAX
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035 (703) 324-1290, TTY 711
www.fairfaxcounty.gov/dpz/zoning/applications

APPLICATION No: SE 2014-SU-041
(Staff will assign)

RECEIVED
Department of Planning & Zoning

JUL 28 2014

Zoning Evaluation Division

APPLICATION FOR A SPECIAL EXCEPTION

(PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	NAME	GITA D. KUMAR, Peek A Boo Childcare	
	MAILING ADDRESS	5642 Powers Lane, Centreville, VA 20120	
	PHONE HOME ()	WORK ()	
	703-266-0223		703-266-0223
	PHONE MOBILE ()	703-266-0223	
PROPERTY INFORMATION	PROPERTY ADDRESS	5642 Powers Lane, Centreville, VA 20120	
	TAX MAP NO.	0544260201	
	SIZE (ACRES/SQ FT)	4334	
	ZONING DISTRICT	PDH - 8 MC WS	
	MAGISTERIAL DISTRICT	SULLY	
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:		
SPECIAL EXCEPTION REQUEST INFORMATION	ZONING ORDINANCE SECTION		
	PROPOSED USE Home Child Care Facility		
AGENT/CONTACT INFORMATION	NAME		
	MAILING ADDRESS		
	PHONE NUMBER	HOME	WORK
	PHONE NUMBER	MOBILE	
MAILING	Send all correspondence to (check one): <input checked="" type="checkbox"/> Applicant -or- <input type="checkbox"/> Agent/Contact		
<p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p> <p>GITA D. KUMAR TYPE/PRINT NAME OF APPLICANT/AGENT</p> <p><i>G. Kumar</i> SIGNATURE OF APPLICANT/AGENT</p>			

DO NOT WRITE IN THIS SPACE

Date application accepted: _____

Application Fee Paid: \$ _____

REQUIREMENT	SUBMITTED
4. Photographs of the application property and abutting properties showing existing structures, terrain and vegetation as viewed from all lot lines and street lines of the application property. The photographs shall be clearly dated and labeled as to the location and direction from which the photographs were taken. The use of digital photography is preferred in which case a disk containing those digital photographs shall also be provided.	
5. For all applications proposing residential development, five (5) copies of a map identifying classification of soil types at a scale of one inch equals five hundred feet (1"= 500'), covering the area within at least a 500 foot radius of the proposed use and showing the existing zoning classification for all land appearing on the map.	
6. A notarized affidavit that is completed and signed by the applicant or the applicant's authorized agent. If the applicant's authorized agent completes the application or affidavit on the applicant's behalf, a certified statement from the applicant must be submitted showing the agent's authorization to act on his/her/its behalf. The affidavit must be updated if there are any changes in the information up to the time of the public hearings. A copy of the affidavit form is presented on pages 16 through 25 and at www.fairfaxcounty.gov/dpz/affidavits . For questions concerning affidavits, please contact the Office of the County Attorney at (703) 324-2421, TTY 711. <i>Prior to each public hearing on the application, the applicant or authorized agent is required to reaffirm the affidavit verbally.</i>	
7. A written statement of justification describing the proposed use and other pertinent data which complies with Section 9-011 of the Zoning Ordinance found on page 15 of this package.	
8. A statement which confirms the ownership of the subject property and the nature of the applicant's interest in the property. If the applicant is not the owner of the property involved in the application, evidence must be submitted showing that the applicant will have the right to use the property as proposed.	
9. Where applicable, any other information as may be required by the provisions of Article 7, including the submission of the Archaeological Survey Data Form and a Phase I Archaeological Survey to the Fairfax County Park Authority as may be required pursuant to Sect. 7-210 for applications resulting in 2500 square feet or more of land disturbing activity and where the application property is located wholly or partially within or contiguous to a Historic Overlay District. A copy of the Archaeological Survey Data Form is included in the package on page 28-29.	
10. A check written to County of Fairfax in the amount shown on the fee schedule set forth on page 26 of this package	

* Reminder: One of the detailed submission requirements for special exception plats relates to stormwater management facilities. Any waivers for stormwater management to permit underground detention facilities in residential areas or for Resource Protection Area (RPA) exceptions should be submitted concurrently with special exception applications. The Board of Supervisors must act on the waiver request concurrently with the special exception application. Waiver requests or RPA exceptions are to be submitted to the Department of Public Works and Environmental Services (DPWES) at the Plan and Document Control counter, located on the 5th floor of the Herrity Building, 12055 Government Center Parkway. If you have any questions, please call (703) 324-1730.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 7-23-2014
(enter date affidavit is notarized)

I, GITA D. KUMAR, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) ☒ applicant
☐ applicant's authorized agent listed in Par. 1(a) below

in Application No.(s): SE-2014-SV-044 126302
(enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE:** All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
GITA D. KUMAR	5642 Powers Lane Centreville,	Applicant/TITLE OWNER
Peck A Boochild Care Inc	VA 20120	

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

CAB

SPECIAL EXCEPTION AFFIDAVIT

DATE: 7-23-2014
(enter date affidavit is notarized)for Application No. (s): SE2014-SU-044
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)

Peek A Bao Child Care Inc
5642 Powers Lane
Centreville, VA 20120

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

GITA D. KUMAR

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.*

SPECIAL EXCEPTION AFFIDAVIT

DATE: 7-23-2014
(enter date affidavit is notarized)for Application No. (s): SE 2014-SU-044
(enter County-assigned application number(s))126302

- 1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

N/A

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 7-23-2014
(enter date affidavit is notarized)for Application No. (s): SE 2014-SV-044
(enter County-assigned application number(s))1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE:

7-23-2014

(enter date affidavit is notarized)

Application No.(s):

SE2014-SU-044

(county-assigned application number(s), to be entered by County Staff)

126302

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

None

NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☒ Applicant☐ Applicant's Authorized Agent

GITA D. KUMAR
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 23 day of JULY 2014, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

Notary Public

My commission expires: 11/30/2016

CAB

Special Exception Attachment to Par. 1(a)

DATE:

7-23-2014

(enter date affidavit is notarized)

for Application No. (s):

SE 2014-SU-044

(enter County-assigned application number (s))

(NOTE): All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

NAME

(enter first name, middle initial, and last name)

ADDRESS

(enter number, street, city, state, and zip code)

RELATIONSHIP(S)(enter applicable relationships listed in **BOLD** above)

None

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Department of Planning & Zoning
JUL 23 2014
Zoning Evaluation Division

(check if applicable)

[]

There are more relationships to be listed and Par. 1(a) is continued further on a "Special Exception Attachment to Par. 1(a)" form.